

COMMON COUNCIL



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.ci.winchester.va.us

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 24th day of April, 2013, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 9th day of April 2013.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 2-4, 2-26, 2-27, 2-28, AND 2-29 OF THE WINCHESTER CITY CODE PERTAINING TO ELECTION AND REMOVAL OF COUNCIL-ELECTED OFFICERS

WHEREAS, the Vice Mayor is appointed for a one year term in accordance with Section 3.01 of the City Charter; and

WHEREAS, the President and Vice President of Common Council are elected by the members of Common Council in accordance with Sections 2-4, 2-28, and 2-29 of the City Code; and

WHEREAS, these sections of the Code have been individually amended over the years to facilitate certain procedural changes desired by Common Council; and

WHEREAS, the following amendments have been proposed to ensure that these provisions are consistent with one another and properly reflect the will of the governing body with regard to the process for election and removal of Council-Elected Officers.

NOW THEREFORE BE IT ORDAINED, that Sections 2-4, 2-28, and 2-29 of the Winchester City Code are hereby amended and re-adopted as follows:

SECTION 2-4. ELECTION, TERM AND REMOVAL OF COUNCIL –ELECTED OFFICERS.

(a) Unless otherwise especially provided; ~~beginning in 2007, every municipal officer elected by the Council~~ the President and Vice President of Common Council shall be elected by the members of Common Council biennially at the first regular meeting of the Council in the month of January, or as soon thereafter as practicable.

(b) Except as otherwise provided, the term of each officer elected as provided in subsection (a) above shall be ~~one year~~ two years and shall commence ~~on the first day of February next succeeding the date of election~~ immediately upon election as provided in subsection (a). Every officer so elected shall hold his office until his successor is appointed and has qualified.

(c) Unless otherwise provided, the City Council may, at its pleasure, remove any officer elected by the Council, including the President, Vice President, and Vice Mayor by motion and vote of “no confidence” by a majority of members present at any regular or special meeting of Council.

(d) Any vacancy occurring in any municipal office, to which the holder is elected by the Council, shall be filled by the Council at a regular or ~~adjourned~~ special meeting; provided: that no vacancy shall be filled ~~at an adjourned meeting~~ unless previous notice thereof shall have been given to all members of the Council. All persons appointed to fill an unexpired term vacancy shall hold office only during the unexpired term of the office in which such vacancy occurs.

(Code 1959, §§2-22—2-26; Ord. of 9-20-76; Ord. No. 034-2004, 08-10-2004)

Cross Reference: City Charter Section 3.01 – Office of Vice Mayor

SECTION 2-26. ELECTION AND GENERAL DUTIES OF PRESIDENT

(a) Biennially, at its first meeting in January ~~beginning in 2007~~, the council shall elect one of its members ~~p~~President, who shall be the presiding officer of the ~~e~~Council.

(b) The ~~p~~President of the ~~e~~Council shall enforce the rules of the ~~e~~Council, preserve order, decide all questions of order, and may give his reasons therefor without vacating the chair.

(Code 1959, §§2-4, 2-5; Ord. of 9-20-76; Ord. No. 033-2004, 8-10-04; Ord. No. 2009-34, 10-27-09)

Charter references—Vesting of administration and government of city, §3; creation and members of council, §4; powers and duties of council generally, §5; investigations by council §7; buying from councilmen, §15; vacancies in council, §23.

Cross reference—Disrupting council meetings, §16-6.1.

State Law Reference—President officer of council, Code of Virginia, §§15.1-809 and 15.2-1423.

SECTION 2-27. ELECTION AND DUTIES OF VICE-PRESIDENT.

Biennially, at the first meeting in January ~~beginning in 2007~~, the Council shall elect one of its members to be vice-president, who shall preside at Council meetings in the absence of the president.

(Code 1959, §2-6; Ord. of 9-20-76; Ord. No. 033-2004, 8-10-04)

~~Note: The effective date of this ordinance shall be January 1, 2007.~~

State Law Reference—Vice-President of Council, Code of Virginia, §15.1-809.

SECTION 2-28. PRESIDENT PRO TEMPORE.

Except as otherwise provide in Section 2-27 nd 2-29, in case of the absence of both the ~~P~~President of Council and the ~~v~~Vice- ~~p~~President, the Mayor shall preside; and in the absence of the President, Vice President and Mayor, the Vice Mayor shall preside. Where the President,

Vice President, Mayor, and Vice Mayor are all absent, the Council shall elect a pPresident pPro
€Tempore to preside.

State Law Reference—Code of Virginia, §15.1-809.

**SECTION 2-29. ~~CLERK~~MAYOR TO PRESIDE UNTIL PRESIDENT OR VICE
PRESIDENT ELECTED.**

Biennially, at the first meeting in ~~July~~January, and until either a pPresident or a vVice-p
President has been elected, the ~~Clerk of Council~~Mayor shall preside; provided that, if the ~~Clerk~~
~~of Council~~Mayor is absent, the members of the Council may elect a temporary
presidentPresident Pro Tempore in accordance with Section 2-28 who shall preside until a
pPresident or vVice-p President has been chosen.

Ordinance No. 2013-05

ADOPTED by the Common Council of the City of Winchester on the 9th of April, 2013.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest, CMC
Deputy Clerk of the Common Council*